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CATHERINE R. McCABE
Commissioner

R&K ASSOCIATES, LLC, Petitioner, v. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, SITE REMEDIATION COMPLIANCE AND ENFORCEMENT, Respondent, and DES CHAMPS LABORATORIES, INC., Intervenor.	)	ADMINISTRATIVE ACTION FINAL DECISION OAL DKT NO. ESR 13443-17 (ESR 11666-13 ON REMAND) AGENCY REF. NO. LSR120001-G0000042636

This matter comes before the Department pursuant to a remand from the Appellate Division regarding the January 21, 2011 denial by the Department of Environmental Protection (Department) of Des Champs Laboratories, Inc.'s (Des Champs) application for a de minimis quantity exemption (DQE) submitted under the Industrial Site Recovery Act (ISRA), N.J.S.A. 13:1K-6 et seq., and the regulations promulgated thereunder. Des Champs applied for the DQE as part

of the closure and termination of its operations at a property formerly owned by Des Champs and currently owned by R&K Associates, LLC (R&K), in Livingston Township, Essex County.[1]

On remand, the Appellant Division instructed Administrative Law Judge (ALJ) Gail M. Cookson to consider whether Des Champs has shown, by a preponderance of the evidence, that it is entitled to a DQE under ISRA. In her July 30, 2018 Initial Decision (2018 Initial Decision), the ALJ concluded, based on the factual record previously established at the administrative hearing in 2014, that Des Champs failed to prove that it was entitled to a DQE and recommended denial of its application. Des Champs filed exceptions, to which the Department and R&K filed replies. For the reasons set forth herein, I ADOPT the recommendation in the 2018 Initial Decision.

FACTUAL AND PROCEDURAL BACKGROUND

This matter is the result of lengthy regulatory and appellate history. In January 2011, the Department denied Des Champs's application for a DQE for its property at 66 Okner Parkway (Okner Facility) where Des Champs operated an industrial establishment, as defined by ISRA, from 1982 to 1996. See N.J.S.A. 13:1K-8; N.J.A.C. 7:26B-2.1. Des Champs appealed the denial, and R&K, the successor in interest to the property, intervened. The factual and procedural history thereafter is set forth at length in three decisions of the Appellate Division, Superior Court: Des Champs Laboratories v. Martin, 427 N.J. Super. 84 (App. Div. 2012) ("Des Champs I"), R&K Associates, LLC v. NJDEP and Des Champs Laboratories, Inc., No. A-0413-12T3 (App. Div. May

[1] ISRA imposes preconditions on the closure, sale, or transfer of an industrial establishment where hazardous substances were used, or hazardous wastes generated and requires the owner or operator to submit an approved remediation plan. N.J.S.A. 13:1K-9.7, N.J.A.C. 7:26B-5.9. The owner or operator may, however, receive a DQE and be exempt from ISRA's substantive requirements upon a demonstration that the total quantity of hazardous substances and hazardous wastes used and generated does not exceed a statutory maximum. Ibid.

16, 2013), 2013 N.J. Super. Unpub. LEXIS 1172, ("Des Champs II"), and R&K Associates, LLC v. NJDEP and Des Champs Laboratories, Inc., No. A-4177-14T1 (App. Div. April 10, 2017), 2017 N.J. Super. Unpubl. LEXIS 884 ("Des Champs III"). In addition, the factual record developed during the three-day administrative hearing is described at length in the ALJ's prior Initial Decision, dated November 19, 2014 (R&K Associates, LLC v. NJDEP and Des Champs Laboratories, Inc., 2014 N.J. AGEN. LEXIS 738 (November 19, 2014)) (2014 Initial Decision), and in the Commissioner's prior Final Decision, dated April 6, 2015 (R&K Associates, LLC v. NJDEP and Des Champs Laboratories, Inc., DEP ESR-11666-13, final decision (April 6, 2015)) (2015 Final Decision). The following is a summary of the pertinent factual and procedural history.

Des Champs assembled heat recovery ventilators at its Okner Facility from 1982 to 1996 when it decided to move it operations to a new facility in Virginia. In November 1996, consistent with the requirements of ISRA prior to terminating its operations on the site, Des Champs submitted to the Department a preliminary assessment report in which Nicholas Des Champs, then co-owner of the property and President of Des Champs, certified under penalty of law that the only hazardous substances it used at the site were 5 gallons of gasoline and several tanks of propane gas. The submission also explained that the company used "propane for forklifts, cans of spray paint for touch-up repairs, photocopying chemicals and small amounts of other household materials." In January 1997 Des Champs also submitted to the Department a negative declaration certifying that, based upon a preliminary assessment report prepared by Des Champs's consultant, there had been no discharge of hazardous substances from the industrial establishment. Based on the information provided in Des Champs's submissions, the Department issued a no further action (NFA) letter on January 22, 1997 authorizing Des Champs to cease

operations at the Okner Facility. In September 1997, R&K purchased the property and remains the current owner.

In 2005, the Department began an investigation of the source of groundwater contamination in Livingston. The investigation revealed that source of the contamination was the Okner Facility. Consequently, in a letter dated November 10, 2008, the Department rescinded its January 22, 1997 NFA letter. The Department directed Des Champs to investigate the contamination and submit a preliminary assessment and site investigation report. Rather than comply with the Department's request, in January 2009, Des Champs applied for a DQE, pursuant to N.J.S.A. 13:1K-9.7, to exempt the company from ISRA's remediation requirement based on the low quantities of hazardous substances Des Champs handled at the Okner Facility. In a 2009 affidavit in support of the DQE application, Mr. Des Champs certified under penalty of law that the facility generated, manufactured, refined, transported, treated, stored, handled, or disposed of only 5 gallons of gasoline, a hazardous substance, and mixtures containing hazardous substances which consisted of 15 spray cans of paint, 3 cartridges of copy machine toner, and 10 gallons of oil-based paints.

By letter dated January 21, 2011, the Department denied Des Champs's DQE application based on "the overlying presumption that an industrial establishment, without regard to fault, should not qualify for a [DQE] when contamination is known to exist at the site." Des Champs appealed, and R&K intervened in the appeal. In Des Champs I, the Appellate Division reversed the Department's denial of the DQE, finding that the Department was not authorized to require

an applicant for a DQE to ensure that a property is free of contamination.[2] Des Champs I at 105-107. The Court remanded the matter to the Department "for further consideration of [Des Champs's] DQE application without regard to the offending condition." Des Champs I at 108.

Thereafter, the Department reconsidered the application and, on August 8, 2012, granted the DQE. The Department's approval letter to Des Champs expressly noted that it was "based upon the sworn statements set forth in [Mr. Des Champs's] affidavit" and that "[a]ny inaccuracies in the affidavit or subsequent changes in the facts as stated therein could alter the Department's decision." R&K then filed an appeal arguing that it did not have an opportunity to participate in the Department's post-remand decision to issue the DQE to Des Champs. In Des Champs II, the Appellate Division agreed with R&K and reversed the Department's decision to issue the DQE. Des Champs II at 22. The court remanded the matter to the Department so that R&K could be provided the opportunity, as current property owner, to challenge the issuance of the DQE. Id. at 21. The Appellate Division directed R&K to make a formal proffer to the Department outlining any factual disputes that it had with Des Champs's assertion of de minimis usage and storage of hazardous substances. Ibid. The Court cautioned that, in reviewing the sufficiency of R&K's proffer, DEP should take into account that "critical facts may exclusively be in the possession of Des Champs." Ibid.

[2] In response to the Des Champs I decision, the Department amended N.J.A.C. 7:26B-5.9(b) to delete the condition in former subsection (b)4 that required that an industrial establishment not be contaminated to qualify for a DQE. The Department also deleted the same criterion from the DQE certification requirement at former N.J.A.C. 7:26B-5.9(e)1. See 50 N.J.R. 1715(b). Otherwise, the criteria to qualify for a DQE set forth in N.J.A.C. 7:26B-5.9(b)1 - 3 have remained unchanged since 1997 when Des Champs first sought to comply with ISRA.

In August 2013, based on R&K's factual proffers, the Department referred the dispute concerning Des Champs's eligibility for a DQE to the OAL. Prior to hearing, the ALJ determined that R&K bore the burden of proof on its objections to the issuance of the DQE and on any equitable defenses. Evidentiary hearings were held on June 2, 5, and August 11, 2014. Thereafter, in a detailed Initial Decision, the ALJ ultimately reversed the Department's approval of the DQE application on legal grounds, finding that Des Champs lacked legal standing to pursue a DQE. 2014 Initial Decision at 30-31. The ALJ reasoned that the language of ISRA, which is written in the present tense, only permits current owners or operators of industrial establishments to obtain a DQE. Ibid. The ALJ also ruled that R&K had not met its factual burden to prove that Des Champs was not entitled to a DQE but concluded "that such lack of 'negative proofs' is predominantly the fault of the passage of a rare but significant period of time, which should not inure to the sole benefit of [Des Champs]." Id. at 31. Thus, the ALJ concluded that the "the legal basis for denying Des Champs's DQE exemption is further buttressed by the history [in this case] of lost records and lost memories." Ibid.

In the 2015 Final Decision, former Commissioner Bob Martin, adopted the ALJ's Initial Decision, that in pertinent part, reversed the Department's 2012 approval of the DQE. The Commissioner also modified the Initial Decision to limit the ALJ's conclusions on standing under ISRA to the unique facts of the case, finding that "13-years is simply too long a lapse of time to permit an owner/operator to make a nunc pro tunc application for a DQE, particularly in the absence of any documentation to support the application." 2015 Final Decision at 20, footnote 16. The Commissioner accepted the ALJ's assignment of the burden of proof to R&K as the challenger, while acknowledging that "it is a tall task to say the very least" to require a company

with no real knowledge of Des Champs's operations "to prove something 20 years later when no documentation and few competent witnesses remain." Id. at 21. Although the Commissioner accepted the ALJ's conclusion that R&K was not able to establish that Des Champs exceeded the regulatory threshold for a DQE, he noted that "the ALJ's conclusion is specifically conditioned on the fact that 'there are no records presently available to rebut the statements [by Des Champs] that the [Okner Facility] never had more than ten (10) gallons of paint or fifteen (15) gallons of mineral spirits at any one time.'" Id. at 21-22, citing 2014 Initial Decision at 25.

Des Champs appealed the Commissioner's 2015 Final Decision to deny the DQE and R&K cross-appealed arguing that the Department had improperly allocated the burden of proof to R&K at the hearing. In an opinion dated April 10, 2017, the Appellate Division reversed the Commissioner's legal ruling that De Champs lacked standing under ISRA to obtain a DQE, reasoning that "[i]t would be inequitable to construe the statutory scheme to deprive former owners of contaminated sites, who can be held liable retrospectively under ISRA for those conditions, of the opportunity to pursue DQEs or other exemptions that may be enjoyed by current owners." Des Champs III at 15-16. On R&K's challenge to the burden of proof, the Appellate Division noted that, generally, an applicant for a benefit bears the burden of proving entitlement to that benefit. Id. at 21. Ultimately, the Court found that:

> Improvidently shifting the burden at the hearing to R&K, the ALJ concluded from the rather scant and stale proofs tendered by Des Champs' witnesses that the evidence was sufficient to justify the issuance of a DQE, but for the legal impediments we have already discussed. We do not know from the ALJ's decision whether, if the burden had appropriately remained with Des Champs, she would have reached the same conclusions about the strength of the record.
>
> In light of this fundamental error of burden allocation, we are constrained to remand the matter so that the ALJ now can consider the proofs in a

> manner that appropriately requires *Des Champs* to show its entitlement to a DQE by a preponderance of the evidence. We accordingly remand the matter to the DEP to make such a referral to the ALJ. The ALJ shall have the discretion to reopen the record as she may see fit in order to address more fully the pertinent issues. Counsel promptly shall provide courtesy copies of their appellate briefs and appendices to assist her in that endeavor. Following the remand, any aggrieved party(ies) may seek further review by the Commissioner, and, beyond that, through an appeal in this court.
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> [Des Champs III at 22].

On remand, the parties submitted post-remand briefs to the ALJ and agreed that the factual record developed at the 2014 hearing did not need to be supplemented. In the 2018 Initial Decision now before me, the ALJ reviewed the basis for the remand in Des Champs III and the findings and conclusions in her 2014 Initial Decision. In particular, the ALJ cited to Des Champs's lack of documentation regarding its actual usage of hazardous substances, the company's failure to identify two operations at the Okner Facility in its DQE application, and discrepancies in various submissions to the Department, and found that:

> [T]he NJDEP would have inquired further of Des Champs concerning the DQE application but for these appeals. The loss or destruction of historical records by [Des Champs] has handicapped the agency's ability to evaluate its compliance with ISRA. This must inure to the detriment of Des Champs. As I [found in the 2014 Initial Decision at 17] '[r]ecords and memories have been forever lost by the long passage of time between the 1997 NFA and the 2009 DQE [application].' [2018 Initial Decision at 7, citing 2014 Initial Decision at 17].

Citing the discrepancies between Des Champs's DQE affidavit and the record produced at hearing, the ALJ denied Des Champs's DQE application, concluding that:

> Des Champs has failed to prove that it is factually entitled to a DQE [for the Okner facility] because records have been lost, the agency has been handicapped in its review role; and there are simply too many open-ended questions about the operations' use of hazardous materials during its heyday.

[2018 Initial Decision at 10].[3]

Des Champs filed exceptions to the Initial Decision, and R&K and the Department's Site Remediation Program filed responses. Primarily, Des Champs contends that the undisturbed findings of fact from the ALJ's 2014 Initial Decision are sufficient to establish that it qualifies for a DQE. Des Champs also takes exception to the ALJ's finding that the Department's review of the DQE application was hindered by the loss of records and to the ALJ's reference to the presence of fireproof storage cabinets at the property. In its response, R&K argues that, even without records, Des Champs's witnesses offered incomplete and contradictory testimony that was insufficient to satisfy its burden of proof. R&K further argues that, by citing to the factual findings in the 2014 Initial Decision as support of its application for a DQE, Des Champs ignores the shift in the burden of proof and overlooks the ALJ's repeated reference to the insufficiency of the evidence presented by Des Champs. Similarly, the Department, in its response to Des Champs's exceptions, argues that the ALJ properly denied the application based on the failure of proofs presented by Des Champs and the Department's inability to confirm the volume of hazardous substances on the property.

DISCUSSION

Under ISRA, an owner or operator of an industrial establishment may obtain a DQE from the substantive requirements of ISRA if:

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[3] The ALJ also concluded that, as an alternate basis for rejecting the DQE application, Des Champs more likely than not was not eligible for a DQE in 1996 when its environmental consultant chose instead to apply for a NFA letter. 2018 Initial Decision at 8-9. Since the ALJ did not ultimately rely on this alternate basis to reach her Initial Decision, I do not rely in it in this Final Decision and will not address its merits or any exceptions to it.

1. The total quantity of hazardous substances or hazardous wastes generated, manufactured, refined, transported, treated, stored, handled or disposed of at the industrial establishment at any one time during the owner's or operator's period of ownership or operation, does not exceed 500 pounds or 55 gallons;

2. If the hazardous substances or hazardous wastes are mixed with nonhazardous substances, then the total quantity of hazardous substances or hazardous wastes in the mixture at any one time during the owner's or operator's period of ownership or operation does not exceed 500 pounds or 55 gallons; and

3. The total quantity of hydraulic or lubricating oil, in the aggregate, does not exceed 220 gallons at any one time during the owner's or operator's period of ownership or operation.

[N.J.S.A. 13:1K-9.7; see also N.J.A.C. 7:26B-5.9 (b)].

Des Champs takes exception to the ALJ's conclusion and contends that the findings of fact in the 2014 Initial Decision are sufficient to establish that it qualifies for a DQE. On remand, however, the ALJ appropriately reconsidered the proofs with the burden now on Des Champs, as mandated in Des Champs III, to establish that it meets the DQE requirements. To reiterate, the Appellate Division recognized that:

> We do not know from the ALJ's [2014] decision whether, if the burden had appropriately remained with Des Champs, she would have reached the same conclusions about the strength of the record. In light of this fundamental error of burden allocation, we are constrained to remand the matter so that the ALJ now can consider the proofs in a manner that appropriately requires *Des Champs* to show its entitlement to a DQE by a preponderance of the evidence.
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> [Des Champs III, at 22].

Consistent with this direction, and in reliance on the factual record developed at the administrative hearing, the ALJ properly reviewed the findings and conclusions in the 2014 Initial Decision to reach her conclusion that Des Champs was not entitled to a DQE. Having thoroughly

reviewed the record, I reject Des Champs's contention and find that the record amply supports the ALJ's conclusion that Des Champs does not meet the requirements for a DQE.

In its 2009 DQE affidavit, Des Champs described its operations at the Okner Facility as "the light assembly of heat exchangers from prefabricated parts" and certified the following information was true, accurate, and complete:

1. The only hazardous substance stored at the facility at any one time was 5 gallons of gasoline;

2. The maximum quantity of hazardous constituents from mixtures stored at the facility was 1 gallon of spray paint, 0.2 gallons of copy machine toner, and about 10 gallons of oil- based paints, for a total of 11.2 gallons;

3. The maximum quantity of hydraulic or lubricating oils stored at the facility was 10 gallons of hydraulic oil and 5 gallons of motor oil, for a total of 15 gallons.

[See Exhibit P-8].

As revealed at the hearing, however, Des Champs inaccurately described the true nature and scope of the company's operations at the Okner Facility and use of the hazardous substances. For example, in a 1988 Right to Know survey submitted to the Department by Des Champs, as required by N.J.S.A. 34:5A-1 to -44, and certified by Mr. Des Champs as true, accurate, and complete, the facility's operations were described as manufacturing of ventilating and air handling equipment. The survey also identified the Okner Facility's use of between 11 to 100 pounds a day of benzene and mineral spirits, both hazardous substances. At hearing, Mr. Des Champs also testified that mineral spirits were used to wipe down residue and marks on sheet metal and for cleaning hands. Neither benzene nor mineral spirits were identified in the DQE affidavit or the 1996 preliminary assessment report.

Similarly, at hearing, in contrast to the contention that operations were limited only to "light assembly" from "prefabricated parts," Mr. Des Champs estimated that the facility processed 12,000 pounds of sheet metal each month that was cut, formed, and fabricated into heat exchanger units by a press brake machine that used hydraulic oil. This description of the facility's metal-fabrication operations is also at odds with the 1996 preliminary assessment report which stated that "formed metal parts" were obtained from another Des Champs facility and assembled "with other purchased parts" into finished heat recovery units. Neither the 1996 preliminary assessment report nor the 2009 DQE affidavit mentioned the operation of a press brake machine to shape sheet metal, which suggests a greater level of manufacturing activity, and potentially the use of additional hazardous substances, beyond the mere "light assembly" from "prefabricated parts" described in the DQE affidavit.

In addition to not identifying the fabrication of sheet metal parts at the Okner Facility in its DQE application, Des Champs failed to identify an industrial spray booth operation for painting finished heat exchange units. In 1989, the local fire department required the facility to install a spray booth with a fire suppression system and explosion-proof fixtures to cure an open-air spray operation. In discovery responses, Mr. Des Champs certified that the facility used oil-based paints to paint between 12 to 15 residential heat exchange units per month. Although Mr. Des Champs certified in the DQE affidavit that the facility used no more than 10 gallons of oil-based paint (a hazardous substance) at any time, Des Champs's failure to identify the industrial painting operation in the DQE affidavit raises questions about the accuracy and completeness of the information submitted to the Department.

Further, Des Champs takes exception to the ALJ's finding that the loss of records hindered the Department's ability to evaluate the DQE application and contends it does not support denial of the application because the Department did not request any documents in discovery prior to the administrative hearing, and there were never any inventory and purchasing records for the Okner Facility because supplies were ordered on a company-wide basis, stored at its nearby facility on Farinella Drive, and shipped to the Okner Facility as needed. Both of these arguments are refuted by the facts in the record.

First, as described above, the record contains numerous factual inconsistencies which are alone sufficient to support a finding that Des Champs failed to meet its burden of proof to be entitled to a DQE. Moreover, the record reflects that, in pre-hearing discovery responses to R&K, Des Champs repeatedly admitted that it had no documents in its possession, custody, or control relating to its purchase, storage, transport, use, or disposal of hazardous substances and agreed, knowing that it now bore the burden of proof after the Appellate Division's holding in Des Champs III, that the record required no further supplementation. Thus, any alleged failure by the Department to submit a similar, futile request is unavailing and the burden was on Des Champs to provide any information it may have had to support its DQE application.

On Des Champs's argument that records never existed for the property, the Commissioner expressed skepticism in the 2015 Final Decision:

> Des Champs has not been able to produce even one business or purchase record that would support or explain the remarkably low asserted volume of solvents in an industrial manufacturing facility. The explanation given by Des Champs related to the Okner Facility getting additional cans of mineral spirits from its facility in a neighboring town (the Farinella Drive facility) is also difficult to understand for a sophisticated facility [] processing such a large quantity of sheet metal. [] Des Champs' assertion that business or

> purchase records "never existed," simply because Des Champs ordered materials for all of its facilities together, is equally concerning.
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> [2015 Final Decision at 23-24.]

The Commissioner further observed that, at the hearing, Mr. Des Champs testified that the company was "equivalent to a $20-some million dollar a year company today," and processed 12,000 pounds of sheet metal a month at the Okner Facility. Ibid. Moreover, contrary to the company's assertions, during the hearing, Mr. Des Champs testified that, at one time, records of hazardous substances did, in fact, exist for the facility:

> Q. Would it be correct to state that the company at one time had records which would have shown the quantities of hazardous substances used at the Okner site during the period of 1987 to 1996?
>
> A. Well, we did keep that type of information.
> [3T274:18-22][4]

Finally, after reviewing the inconsistencies between Mr. Des Champs's testimony at hearing and the company's 1996 ISRA submission, the Commissioner noted that Des Champs's lack of documentation to support its DQE application:

> cannot become an affirmative shield for a former owner or operator who submitted incomplete materials in support of its [1996] ISRA filing (at a time when those records and various current and former employees would have been available for search and inquiry). [2015 Final Decision at 16.]

The Commissioner found that Des Champs "had a legal obligation to comply with ISRA diligently" by making a diligent search for documents likely to contain information relating to its use of hazardous substances, "[and] fell well short of this obligation." Id. at 13 and 15. For these reasons, I reject Des Champs's argument that the lack of records regarding its use of hazardous

[4] "3T" refers to the transcript of the hearing on August 11, 2014.

substances cannot form part of the basis for the denial of the DQE. As detailed in the 2014 Initial Decision, the testimony of witnesses at hearing directly undermined the veracity and completeness of Des Champs's DQE application. Thus, the lack of records to support its claims provides additional support to the ALJ's recommendation that Des Champs's DQE application be denied because Des Champs failed to demonstrate it was entitled to the DQE by a preponderance of the evidence.

Similarly, Des Champs's exception to the ALJ's reference in the Initial Decision to the presence of two fireproof storage cabinets at the Okner Facility is without merit. Des Champs argues that there is no evidence in the record to reflect that Des Champs was required to install fire proof cabinets by the local fire department, or that any storage cabinets at the facility contained hazardous substances, as stated in Des Champs's 1996 preliminary assessment report. Des Champs contends, to the extent that the presence of fireproof storage cabinets was a basis for denial, such conclusion is not based on competent and credible evidence. However, even if, as Des Champs claims, credible evidence does not exist to support finding that fireproof storage cabinets were even present at the facility, the ALJ only acknowledged "the factual question of the historical presence of two fireproof storage cabinets... [and found that] there is insufficient evidence to discern the purposes to which the hazardous materials storage cabinet was put and the volume of the materials stored therein." 2018 Initial Decision at 9. Significantly, the ALJ did not conclude that any storage cabinets at the facility contained hazardous substances beyond the limited quantities of gasoline that Des Champs's witnesses acknowledged in their testimony. Thus, taken in context, I find that the ALJ's reference to the "factual question of the presence of two fireproof storage cabinets" at the facility is just one of the "many open-ended questions

about the operations' use of hazardous materials during its heyday," noted by the ALJ, and, as such, supportive of the denial of the DQE application. Id. at 10.

For these reasons, I reject Des Champs's claim that the factual findings in the 2014 Initial Decision support its entitlement to a DQE. Indeed, based on ample record at hand, including the many inaccuracies highlighted at the hearing concerning the character of Des Champs's operations and its use of hazardous materials, I conclude that there is substantial, credible evidence in the record to support the ALJ's conclusion that Des Champs failed to prove by a preponderance of the evidence that it meets the criteria for a DQE.

CONCLUSION

For the reasons set forth above, I ADOPT the July 30, 2018 Initial Decision and deny Des Champs's application for a de minimis quantity exemption under ISRA.

IT IS SO ORDERED.

DATE: 10/25/18

Catherine R. McCabe, Commissioner
New Jersey Department of
Environmental Protection

R&K ASSOCIATES, LLC,
v.
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, SITE REMEDIATION COMPLIANCE AND ENFORCEMENT, AND
DES CHAMPS LABORATORIES, INC.

OAL DKT. NO. ESR 13443-17 (ESR 11666-13 ON REMAND)
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